

# **ARMBRUST & BROWN, PLLC**

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January 7, 2011

Kevin Shunk  
City of Austin, Floodplain Management  
Watershed Protection and Development Review Department  
505 Barton Springs Road  
12th Floor  
Austin, Texas 78704

Re: Floodplain Variance Extension for 801 Red River; also known as the property described as the Original City of Austin Block 92, Lots 1, 2, 5, 6, 7 and 8 according to the map or plat on file in the General Land Office of the State of Texas (collectively referred to herein as the "Property")

Dear Mr. Shunk:

This firm represents and this letter is submitted on behalf of Stubb's Austin Restaurant Company ("Stubb's"), owner of the above referenced Property. More specifically this letter is written to request a one (1) year extension of the floodplain variances approved by the Austin City Council on February 11, 2010 in association with Ordinance No. 20100211-036 (the "Ordinance"). The Ordinance is attached for your reference. According to Part 6 of the Ordinance, the variance expires if the project for which the variance is granted does not receive all necessary building permits before February 15, 2011.

Subsequent to obtaining the floodplain variance from City Council, Stubb's obtained approval of Site Development Permit SP-2010-0144C, finalized License Agreement No. WP 417-1009, obtained approval of building permit 2010-013037BP for the renovation of the stage, canopy and covered walkway, and they began those renovations. A second set of building plans have been filed with the Building Review Department under case number 2010-103644PR (the "Application") for the renovation of various other buildings and structures. Given the complex nature of the project, we are still working with City Staff to address comments, and we do not feel that we will have all of the necessary building permits before the floodplain variance expires. For this reason, we hereby request a one (1) year extension of the variance.

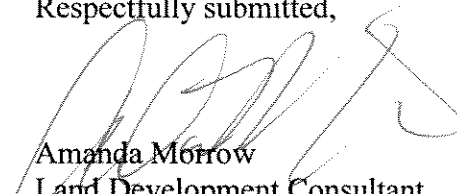
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Based on this information, we hereby request that you place this extension request on the January 27<sup>th</sup>, 2011 City Council agenda to set the public hearing for the February 10<sup>th</sup>, 2011 City Council meeting.

Thank you for your time and consideration in this matter. If you have any questions, comments, or need additional information, please do not hesitate to contact me.

Respectfully submitted,



Amanda Morrow  
Land Development Consultant

cc: Jeff Waughtal  
Dan Broadhead  
Richard T. Suttle, Jr.  
Joe Longaro  
Alex Clark

Attachment